IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23361 of 2004

Between:

K.Veerabrahmam S/o.K.Veeranna
Srilkha Buildings, Near SBI,Opp Childrens Park, Kurnool,
Kurnool Dist.

..... PETITIONER

AND

The Regional Manager APSRTC
Anantapur Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or orders, or direction more particularly one in the nature of writ of mandamus declaring the proceedings vide No.P2/692(19) 2004-RM.A dt 29-9-2004 of the respondent as illegal, arbitrary, and in violation of Principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and set a side the same and consequently direct the respondent to reinstate the petitioner into service with all consequential benefits and pass such other and further order or orders.

Counsel for the Petitioner:MR.A.RAMA RAO

Counsel for the Respondent.: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

Challenging the order dated 29.09.2004 passed by the respondent-Corporation, deleting of the name of the petitioner from the approved panel list, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner contended that the petitioner was selected by a duly constituted Selection Committee in the year 1999 and he was enlisted in the approved panel and thereafter, his name was deleted without assigning any reason and without conducting any enquiry, and therefore, the impugned proceedings suffer from legal infirmity.

3. On the other hand, the learned counsel appearing for the respondent-Corporation contended that the writ petitioner failed to report to duty and so after giving a show cause notice, the name of the petitioner was deleted from the approved panel list and therefore, the order under challenge does not suffer from any legal infirmities.

4. As seen from the impugned proceedings dated 29.09.2004, no reason is assigned as to why the name of the petitioner has to be deleted from the approved panel list. It is not disputed before this Court that the writ petitioner's name was empanelled in the selection orbit approved list by a duly constituted selection committee. Therefore, when the petitioner has no interest to work as Conductor, it is expected that an enquiry should have been conducted by the respondent-Corporation. But, no such enquiry is conducted and no reason is assigned in the impugned proceedings, and therefore, the impugned proceedings suffer from serious legal infirmity. Hence, the impugned proceedings are set aside. However, this order does not preclude the respondent-Corporation from taking appropriate disciplinary action against the petitioner, after conducting enquiry.

5. The writ petition is accordingly disposed of. No order as to costs.

_____

K.C.BHANU, J

December 16, 2004.

YCR

Copy to:

1. The Regional Manager, APSRTC, Anantapur District.

2. Two C.D. copies

-